

***Unapproved***

Salem Planning and Zoning Commission  
April 27, 2010

Present: Amato, R.  
Bingham, D.  
Buckley, K.  
Chinatti, M. - Town Planner/ZEO  
Fogarty, G., Alt.  
McKenney, H.  
Savalle, R.  
Smith, V., Alt.  
Walter, G.

Absent: Vacancy  
Vacancy, Alt.

Guests: see attached

**CALL TO ORDER:**

H. McKenney, chairman, called the meeting to order at 7:00 pm.

**ADDITIONS TO THE AGENDA:**

M/S/C (McKenney/Savalle) to add:

- "APPOINTMENT OF NEW PZC REGULAR MEMBER" to before *PUBLIC HEARING(S)* on tonight's agenda.

Vote: approved unanimously.

**APPOINTMENT OF NEW PZC REGULAR MEMBER:**

Due to the resignation of G. Nikirk, the Commission now has a Regular Member vacancy. G. Fogarty, Alternate, has agreed to fill that vacancy.

M/S/C (McKenney/Bingham) to nominate and appoint G. Fogarty to the Regular Member Vacancy on the Salem Planning and Zoning Commission. Vote: approved unanimously.

Due to the fact that Mrs. Fogarty has not yet been sworn in as a Regular Member, the Chairman, with the Commission's consent, seated G. Fogarty in the Regular Member vacancy.

The Chairman reviewed the Salem Planning and Zoning's Public Hearing Procedures.

**PUBLIC HEARING(S):**

- 1) **Thomas - Resubdivision application (RS#10-02-02) for a four (4) lot resubdivision at 81 Skyline Drive and possible action**
- 2) **Thomas - Special Exception application (SE#10-02-01) for two (2) common driveways for a proposed four (4) lot subdivision at 81 Skyline Drive and possible action**

M. Chinatti, Town Planner/ZEO:

These public hearings must close tonight unless the applicant grants an extension.

Received the revised plan yesterday afternoon and has not had time to review it in depth.

The plan now shows only one common driveway.

The Town Engineer did review these revised plans and his comments have been received.

A revised Driveway Agreement has also been received and has been forwarded to the Town Attorney. No reply from him has yet been received.

The Public Works Director has not yet submitted his review of the plans.

The plans were forwarded to the Route 11 Green way Commission in regard to the Conservation Easement. It was reviewed at their last meeting, but there has been no final decision made.

The applicant granted a twenty-one (21) day extension of time (to the 5/18/10 Regular PZC Meeting) in order for the Commission to make a decision.

S. Marien, LS, appeared for the applicant:

Presented revised plans:

There is now only one common driveway; the one on the north side of the parcel.

It will provide access for all four (4) lots in the resubdivision.

The Conservation Easement, on Lot #2 will be open to the public and will be accessed by a right-of-way.

The Baukus's (83 Skyline Drive) will be deeded property from the driveway and Mr. Thomas will construct them a driveway, to town standards, of their own.

The Town Engineer's comments in his letter of 4/26/10 have been incorporated into the revised plans presented this evening.

Review of the Town Engineer's comments.

Submitted letters from neighboring property owners:  
(Read into the record by the Chairman.)

- W.Bjorn, 79 Skyline Drive - no issues with the resubdivision or Special Exception; supports plan.
- V. Vesey, 47 Skyline Drive - supports resubdivision plan.

Submitted letter from K. Thomas, applicant, clarifying the Conservation Easement.

Public Comments:

- R. O'Brien, 77 Skyline Drive - will the grades on the road be the same or higher? (They will be the same.)
- S. Swan, 117 Skyline Drive - in favor of the resubdivision, but feels that there are some problems with the survey lines which abut his adjoining property.

M. Chinatti, Town Planner/ZEO:

Recommended that the Commission accept the extension and continue the public hearing to the 5/18/10 PZC Regular Meeting.

M/S/C (Buckley/Fogarty) to accept the twenty-one (21) day extension and to continue the public hearings for the Thomas Resubdivision application (RS#10-02-02) and Special Exception application (SE#10-02-01) for 81 Skyline Drive to the Salem Planning and Zoning Commission May 18, 2010 Regular Meeting agenda. Vote: approved unanimously.

D. Bingham recused himself and left the meeting.

**3) Kobyluck Brothers, LLC - Special Exception Renewal for an excavation operation at 209 Rattlesnake Ledge Road (con't. from 4/20/10)**

M. Chinatti, Town Planner/ZEO:

Added the following exhibits to the file:

**[Exhibit CCC]** - Email of 4/21/10 from M. Chinatti, Town Planner/ZEO to S. Byrne, PZC attorney, in regard to certain statements made at the 4/20/10 public hearing by M. Kobyluck.

**[Exhibit DDD]** - Original of [Exhibit ZZ].

**[Exhibit EEE]** - Memo of 4/26/10 from D. Bourdeau, Jr. stating that all seismograph readings are within state limits.

**[Exhibit FFF]** - Letter of 5/27/10 from J. Dillon, PE, Town Engineer, concerning a revised Restoration Bond for Phase I.

M. Kobyluck appeared before the Commission:

Read into the record and submitted, with subordinating documentation, a written summary (4/27/10) in clarification of topics he verbally discussed at the 4/20/10 public hearing.

He does not agree with the Town Engineer's revised bond amount for Phase I.

He already has, and his engineer has already stated that there is enough topsoil on the site for restoration.

He disagrees with the cost amounts and would like to know what cost data the Town Engineer used.

Public Comments:

- C. Philopena, 309 Rattlesnake Ledge Road - submitted Packet #1 and Packet #2 in regard to assessment data for certain properties on Rattlesnake Ledge Road.
- N Dytko, 279 Rattlesnake Ledge Road - reviewed copies of Kobyluck's renewal permits and the bond increase to ~\$60,000 was never submitted; the bond amount is still at the \$37,000 amount; discussed W. Thomas's letter of 12/15/09 in regard to the approved 2002 plan and the April 2009 existing conditions; stated that she remembered the mason jar Dr. Bingham brought in filled with runoff from the quarry and the sediment that was in it; all properties in the area have been compromised.
- R. Asafaylo, 60 Morgan Road - was the PZC chairman when the application was approved; submitted his memo of 4/27/10 to the Commission and discussed if there are adverse impacts on the neighborhood, his opinion, and the differing opinions of Mr. Kobyluck's engineer and the Town Engineer.

It was the Commission's consensus to have the original Midwood Quarry 2002 approved plan placed in the file and marked as evidence.

M/S/C (Fogarty/Buckley) to close the public hearing on the Kobyluck Brothers, LLC Special Exception Renewal for an excavation at 209 Rattlesnake Ledge Road. Vote: approved unanimously.

Copies of all exhibits and the Midwood Quarry 2002 approved plan will be sent to all members for review.

Copies of all minutes of meetings at which this public hearing appeared will also be sent to all members for review.

Discussion as to whether a Special Meeting should be held to start deliberations on this matter.

No decision was made.

At this time, the Commission took a ten (10) minute break.

**PETITIONERS:**

There were no *PETITIONERS* this evening.

**PUBLIC COMMENTS:**

There were no *PUBLIC COMMENTS*.

**OLD BUSINESS:**

There was no *OLD BUSINESS* this evening.

**NEW BUSINESS:**

There was no *NEW BUSINESS* this evening.

**ENFORCEMENT OFFICER'S REPORT/INLAND WETLANDS AND CONSERVATION  
COMMISSION REPORT: N/A**

**APPROVAL OF MINUTES OF PREVIOUS MEETING(S): N/A**

**PLUS DELTAS:**

Commission review of the positive aspects and areas for improvement in regard to the conduct of tonight's meeting.

**CORRESPONDENCE:**

There was no *CORRESPONDENCE*.

**ADJOURNMENT:**

M/S/C (Fogarty/Savalle) to adjourn the meeting at 9:55 pm. Vote: approved unanimously.

Doris McTigue, Administrative Assistant/Recording Secretary